

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	2:09-CR-00017-PMP-PAL
Plaintiff,)	
vs.)	<u>ORDER</u>
DAVID ESCOBAR-MENJIVAR,)	
Defendant.)	
_____)	

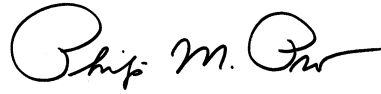
Before the Court for consideration is Defendant David Escobar-Menjivar's ("Escobar") Motion to Dismiss (Doc. #23) filed July 13, 2009. On August 20, 2009, the Honorable Peggy A. Leen, United States Magistrate Judge, entered a Report of Findings and Recommendation (Doc. #30) recommending that Defendant's Motion to Dismiss (Doc. #23) be denied.

On September 4, 2009, Defendant filed an Objection to Magistrate Judge Leen's Report and Recommendation (Doc. #31). Plaintiff United States of America filed a Response on September 16, 2009 (Doc. #32). On September 21, 2009, Defendant filed a Reply thereto (Doc. #33).

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 and determines that Magistrate Judge Leen's Report of Findings and Recommendation should be Affirmed.

1 **IT IS THEREFORE ORDERED that** Defendant David Escobar-
2 Menjivar's Objections (Doc. #31) are Overruled and Magistrate Judge Leen's
3 Findings and Recommendations (Doc. #30) are **AFFIRMED** and Defendant's
4 Motion to Dismiss Based on a Prior Unlawful Deportation (Doc. #23) is **DENIED**.

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6 DATED: September 22, 2009.

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9 PHILIP M. PRO
10 United States District Judge
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